Air Toxics SIT

Executive Board Progress Report
March 14, 2018

Air Toxics NEI Goals:

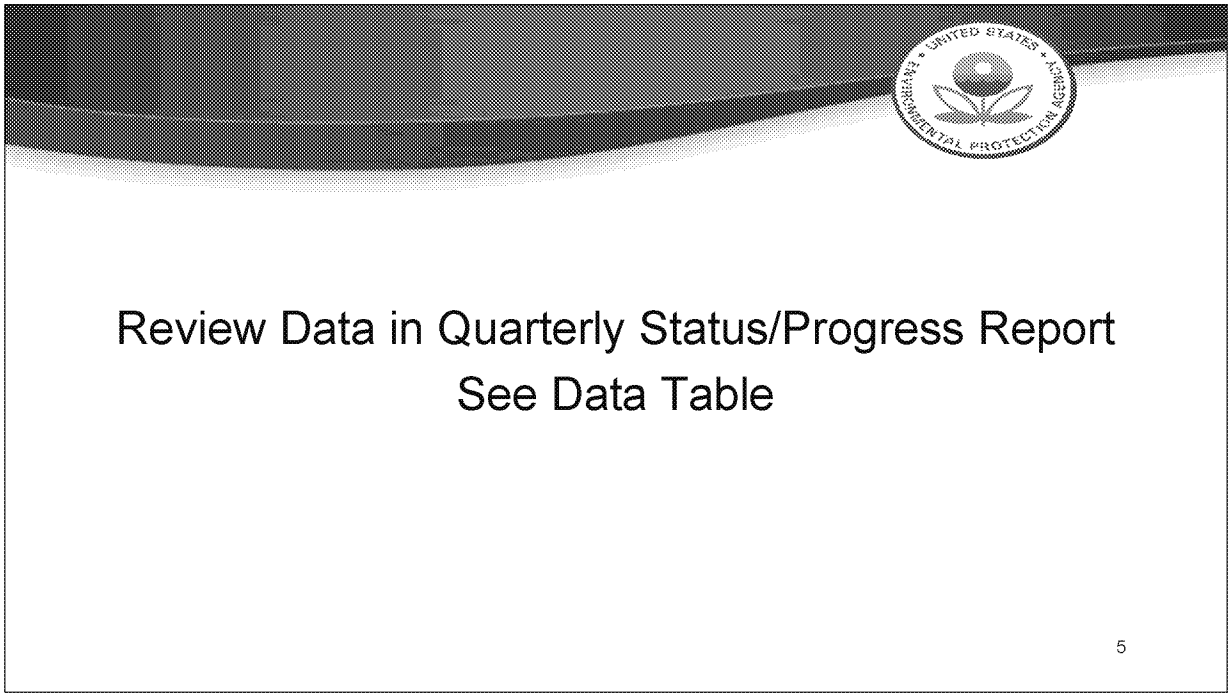
- Reduce HAP emissions from tanks and flares, and target and reduce other noncompliant HAP emissions at facilities, particularly where the emissions have a significant impact on air quality and health in communities.
- Using industry-standard monitoring techniques such as Infrared Cameras, each EPA region will address facilities that are suspected to be out of compliance.
- OECA and EPA regions will pursue civil and criminal enforcement to address the violations that threaten communities and the environment, with the goals of achieving greater compliance, reducing pollution, and continuing our work with our state, local, and tribal partners.

Air Toxics NEI Objectives:

- Address CAA violations at facilities that use or produce chemicals that can become HAPs e.g.:
  - coke ovens,
  - chemical/petroleum storage tanks;
  - hazardous waste storage and processing facilities,
  - incinerators,
  - landfills, and
  - industrial wastewater treatment facilities.
- Focus on largest contributors to excess emissions:
  - improperly maintained and operated storage tanks and
  - improperly operated flares.

Historic Strategic Direction of Air Toxics

- LDAR selected as a national focus area for Air Toxics NEI in FY 2006 (not continued in FY2017-2019 strategy).
- Flares selected as a national focus area for Air Toxics NEI in FY 2008 (continued in FY2017-2019 strategy).
- Flare enforcement alert issued in August 2012 to inform flare owners and operators of enforcement initiative and educate them on proper flare operation.
- Enforcement actions during 2011-2016 reduced HAP emissions by an average of over 32 million pounds annually.



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Significant Cases so far in FY2018

Facility	Location	Subpart	Focus	Penalty	Injunctive Relief	Emission Reductions
S.H. Bell (National)	OH, PA	CAA § 303, 110	Excess Emissions	R3 $750K PA $750K	R3 $200K R5 $400K	
Lima Refining Company	OH	CAA § 112, 502	Flares, Excess Emissions	R5 $853.5K OH $146.5K	$150 M IR $1.75 M SEP $10 M Mitigation	98 TPY of SO2 28 TPY of VOC 30 TPY of PM 68 TPY of NOx
Clean Rentals Inc.	MA	CAA § 110	Excess Emissions	$200,000	$1,100,000	
City of Waterbury	CT	CAA § 129	Excess Emissions	$104,000		

Tools Beyond Traditional Enforcement

- Develop/Finalize Compliance Advisories where we have observed excess HAP emissions. Possible topics include:
  - heated petroleum tanks (in draft),
  - biodiesel/fuel production (in draft),
  - auto shredders,
  - landfills, and
  - incorrect use of AP-42.
- Attending conferences to provide outreach and compliance assistance to the regulated community (R1 sewage sludge incinerator operator training workshop at NE Biosolids and Residuals Association in April 2018).
- Compliance assistance discussions during inspections – for example, of the 28 NEI inspections Region 5 performed in 2017, 11 of them included compliance assistance discussions with the company.

Challenges Encountered or Anticipated

- Changes to the Once-In-Always-In (OIAI) policy (memo issued January 25, 2018) resulted in many questions from our State partners and possible challenges.
- Breadth and the technology specific nature of the of Air Toxics NEI focus areas (i.e. tanks, flares) requires coordination across many offices and rules, but allows for needed flexibility in finding violations.
- Qualitative tools like the FLIR camera are excellent screening tools to show leaks, but need to be used together with quantitative tools (like PIDs, UV DOAS, DIAL, SOF, PFTIR) to quantify emissions.

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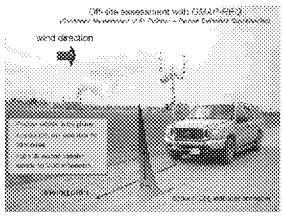
- Requests for clarity on how the policy change is supposed to work for permit changes from states
- Limiting or eliminating the injunctive relief and/or mitigation that would be otherwise sought in a number of cases, including TSDF cases in R1, approximately 17 of R5's open Air Toxics cases, and R8 has received pushback on model injunctive relief.
- Lack of understanding of how potential to emit (PTE) is calculated in a given sector and therefore, confusion regarding which facilities are major, true minors, or need an enforceable permit to restrict. Fifty different state permitting authorities are now faced with numerous requests to issue permits-to-restrict PTE. To be federally enforceable, the limit on PTE usually needs include throughput limits or control device parameter limits, not just emission totals. Industry and permit writers need updated guidance on how to develop these limits.
- Guidance on emission calculations for batch operations.
- Facilities choosing to take permit limits to become an area source rather than install controls may significantly reduce the HAP reductions achieved by a case.

State Involvement and Outreach

Discussions with States of targeting and participation on cases

- Many regions have met with their states to discuss targets and inspections, some share targeting lists, and some do not.
- Delegated agencies participating in Air Toxics cases
  (OH, WY, Jefferson County, AL)



Requests from States for Federal Expertise and Technology

- NY & NJ have requested Geospatial Measurement of Air Pollution (GMAP).
- MI DEQ requested GMAP/DUVAS equipment in the Detroit Area.

Training

- R1: SSI operator training in March 2018; Engine NESHAP webinar for 400 DoD employees in September 2017; workshop for municipalities, emissions testing contractors, and state personnel on reporting stack test data through the electronic reporting tool (ERT) in April 2018.
- R3: Partnered with PA to ensure national consistency in Sewage Sludge Incineration implementation where PA did not have delegation, but the facility had a Title V permit.
- R4: Training provided to TN on FLIR camera, TVA, and PID; presentation on Landfill Gas Emissions Guidelines at the 2018 Region 4 States Managers Meeting.

Process to Assure Injunctive Relief Expectations are Met

- AED leads periodic tanks and flares calls to discuss cases and ensure some national consistency in expectations for injunctive relief.
- Ideas to improve consistency include:
  - Provide model Orders and Consent Decrees or create a Share Point with examples.
  - Provide periodic summaries of all national Air Toxics investigations and cases. This should include the types of injunctive relief and the estimated emission reductions.
- For Tanks, some regions have developed relief expectations to use in upcoming negotiations and settlements (R5).
- For Flares, regions are securing different injunctive relief for similar violations because of differences in the cases (e.g. different levels of evidence), or because of different interpretations of the relief needed to achieve compliance. Templates exist, but there is no National requirement to use them.
- For Excess Emissions, there is less uniformity of case type, and thus various relief is sought.

Effectiveness of Targeting and Outreach

- The list of high risk sources generated by OC and provided to the Regional Offices, using the NATA data, TRI, and toxic weighting has been/is helpful for targeting sources of potential excess HAP emissions.
- Other types of targeting have also been useful in finding violations.
- Automation of targeting list generation through the ECATT tool has helped improve the targeting process.
- With minor source permits possibly falling out of the State CMS due to the removal of OIAI, Regions may create their own lists of those facilities for targeting purposes.
- Air Toxics enforcement cases in focus areas targeted by industry and sub-industry type have produced substantial emission reductions and have corrected significant violations.

Plans and Expectations for FY2018-19

- Continue to use advanced monitoring and information technologies to achieve greater compliance and reduce pollution.
  - EPA is training state and local authorities on the use of monitoring technologies to increase their level of expertise in evaluating compliance in these focus areas.
- Target high risk sources impacting communities using EPA's Electronic Clean Air Targeting Tool (ECATT)
- Focus on facilities that are under reporting HAP emissions
- Many HAPs are also VOCs (e.g., benzene, toluene, xylene, ethylbenzene) with significant ozone-forming potential.
  - Continued reductions under this initiative could reduce the number of ozone nonattainment areas in the United States.
- Air Toxics may be involved in the Administrator's War on Lead since several MACTs include lead regulations. For example, R5 and R7 are looking at battery recyclers.

This slide to be presented by AED.

Questions?